

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JAN 17 2018

Clerk, U.S. District Court
District Of Montana
Billings

ALLEN WITHERALL,

Plaintiff,

vs.

CORRECTIONS HEALTH
PARTNERS, et al,

Defendants.

CV 17-139-BLG-SPW

ORDER

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations, filed on November 29, 2017. (Doc. 7). In his Findings and Recommendations, Judge Cavan recommends that this Court dismiss Witherall's case for failure to state a claim.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews Judge Cavan's conclusions for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

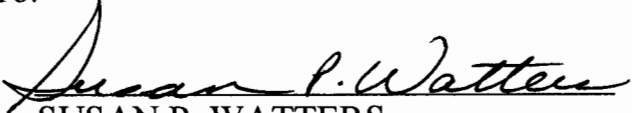
Accordingly, IT IS HEREBY ORDERED:

1. Judge Cavan's Findings and Recommendations (Doc. 7) are ADOPTED
IN FULL.

2. The Clerk of Court is directed to close this matter and enter judgment
in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court is directed to have the docket reflect that the Court
certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure
that any appeal of this decision would not be taken in good faith.

DATED this 16th day of January 2018.


SUSAN P. WATTERS
United States District Judge